

REMARKS

[0001] Applicants respectfully request reconsideration and allowance of all of the claims of the application. Claims 24-31 are presently pending. Claims amended herein are 24, 25, and 31. No claims were withdrawn, cancelled or added herein.

Statement of Substance of Interview

[0002] The Examiner graciously talked with me—the undersigned representative for the Applicants—on October 29, 2008. Applicants greatly appreciate the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0003] During the interview, I discussed how the claims differed from the cited references, namely Sreenan and Wrabetz. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

[0004] The Examiner was receptive to the proposals, specifically the clarification regarding 25. However, the Examiner indicated that she/he would need to review the cited references more carefully and/or do another search, and requested that the proposed amendments be presented in writing.

[0005] Applicants herein amend the claims in the manner discussed during the interview. Accordingly, Applicants submit that the pending claims are

allowable over the cited art of record for at least the reasons discussed during the interview.

Formal Request for an Interview

[0006] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicants—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0007] Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

Claim Amendments

[0008] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicants amend Claims 24, 25, and 31 herein. Applicants amend claims to clarify claimed features. Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references.

[0009] Claims 24, 25, and 31 are amended. Support for the amendments to claims 24, 25, and 31 is found in the specification at least at page 11, lines 20-34.

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Substantive Matters

Claim Rejections under § 103

[0010] The Examiner rejects claims 24-31 under § 103. For the reasons set forth below, Applicants respectfully submit that the Examiner has not made a prima facie case showing that the rejected claims are obvious. Accordingly, Applicants respectfully request that the § 103 rejections be withdrawn and the case be passed along to issuance.

[0011] The Examiner's rejections are based upon the following references in combination:

- **Sreenan:** *Sreenan*, US Patent No. 5,742,772 (issued April 21, 1998);
- **Wrabetz:** *Wrabetz, et al.*, US Patent No. 5,442,791 (Issued August 15, 1995); and
- **Ichinose:** *Ichinose, et al.*, US Patent No. 5,307,496 (issued April 26, 1994).

Overview of the Application

[0012] The Application describes a resource management mechanism that:

Ensures that real-time application programs running on a single machine or set of machines exhibit predictable behavior. ... An activity submits a request for resources in specified amounts to a resource planner. ... The resource planner may choose to grant the reservation... When denying a request, the resource planner may inform the activity of what quantity

of the requested resources are currently available so that the activity may submit a modified request (see the Abstract).

Cited References

[0013] The Examiner cites Sreenan as the primary reference in the obviousness-based rejections. The Examiner cites Wrabetz and Ichinose as secondary references in the obviousness-based rejections.

Sreenan

[0014] Sreenan describes that:

A resource manager receives a QOS specification from the bridge service, distributes at least one QOS constraint associated with the QOS specification ... and then determines whether bridge resources can be allocated to meet the QOS specification. The clients may alter their QOS specifications and retry if the resource manager denies them admission because of a lack of available bridge resources (see the Abstract).

Wrabetz

[0015] Wrabetz describes that:

An integrated remote execution system manages resources ... The remote execution interface can have the user to determine the selection of which resources to use, or it can automatically make the selection of which resources to use. The resource management component utilizes a hybrid model for managing resources in the network that includes a resource information database that is publish-based and a query module that is query-based. The remote service routine receives the remote requests from the remote execution interface which initiated the remote request and forks a separate remote execution control process for each remote request (see the Abstract).

Ichinose

[0016] Ichinose describes that:

Resources possessed by a computer are registered in a resource table. A resource supply judging portion, in answer to a resource utilization request ... judges whether or not it is possible to supply the resource ... A utilization request transmitter, when the resource was judged unsuppliable, transmits the resource utilization request to the computer in the following stage and, at the same time, sets up a resource supply path (see the Abstract).

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Obviousness Rejections

Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)

[0017] Applicants disagree with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

Based upon Sreenan

[0018] The Examiner rejects Claims 24-31 under 35 U.S.C. § 103(a) as being unpatentable over Sreenan in view of Wrabetz and further in view of Ichinose. Applicants respectfully traverse the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

Independent Claim 24

[0019] Applicants submit that the combination of Sreenan, Wrabetz, and Ichinose does not teach or suggest at least the following elements as recited in this claim (with emphasis added):

- returning from the resource planner to the activity a list, the list including ... ***an amount of each currently available resource that did not satisfy the resource reservation request*** ...

- determining at the activity whether the amounts of each currently available resource that did not satisfy the resource reservation request are acceptable.

[0020] The Examiner indicates (Action, pp. 4) the following with regard to this claim that:

7. Sreenan and Wrabetz do not explicitly teach the list including an amount of each currently available resource that did not satisfy the resource reservation request.

However, Ichinose teaches the list including an amount of each currently available resource that did not satisfy the resource reservation request (determining, in response to a resource request, whether the computer is capable of supplying the requested resource based on the available resources listed in the resource table (col. 11, lines 61-65). It would have been obvious that the table including the list of resource that did not satisfy the request.

8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Sreenan and Wrabetz to incorporate the teaching of returning a list of amounts of the set of resource that are currently the list including an amount of each currently available resource that did not satisfy the resource reservation request as taught by Ichinose because this allows to decrease the total number of utilized resources, hence cost, occupation area can be reduced.

[0021] Thus, the Examiner cites neither Sreenan nor Wrabetz for a disclosure, teaching or suggestion of "returning from the resource planner to the activity a list, the list including ... an amount of each currently available resource that did not satisfy the resource reservation request" as set forth in Claim 1.

[0022] With regard to Ichinose, this reference describes a:

- resource supply judging means for determining, in response to a resource request, whether the computer is capable of supplying the requested resource ... and ...
- resource request transmission means for ***transmitting said resource request*** to the succeeding computer ... ***when ... the computer is unable to supply the requested resource*** (see column 11, line 61 to column 12, line 8).

[0023] Thus, Ichinose describes transmitting the resource request when the computer is unable to supply the requested resource. In contrast, Claim 1 recites "returning from the resource planner to the activity a list, the list including ... an amount of each currently available resource that did not satisfy the resource reservation request" as set forth in Claim 1.

[0024] As shown above, the combination of Sreenan, Wrabetz, and Ichinose does not teach or suggest all of the elements and features of this claim. Accordingly, Applicants ask the Examiner to withdraw the rejection of this claim.

Independent Claims 25 and 31

For reasons similar to those set forth above, Applicants respectfully request that the Examiner withdraw the rejections of Claims 25 and 31.

Dependent Claims 26-30

[0025] These claims ultimately depend upon independent claim 25. As discussed above, Claim 25 is allowable. It is axiomatic that any dependent

claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Conclusion

[0026] All pending claims are in condition for allowance. Applicants respectfully request reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicants

___/Robert L. Villhard/_____

Dated: ___10/31/08_____

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